



# Technical Assistance Guide (T.A.G.) Workforce Innovation and Opportunity Act

Number: 20-2

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**Date:** August 5, 2020

**Subject:** WIOA Title I State-imposed 20 percent Limitation of Current Total Staffing Levels in On-the-Job Training (OJT) Contracts.

**Purpose:** To communicate the *temporary variance* to the state-imposed 20 percent limitation of current total staffing levels in OJT contracts as prescribed in State Compliance Policy (SCP) 1.14 to a scaled model based on employee counts, which was approved by the Governor's Workforce Development Board on August 5, 2020 for WIOA Title I Program Year (PY) 2020.

**Scope:** The content of this TAG applies to Local Workforce Development Boards (LWDBs) and sub-recipients responsible for Workforce Innovation and Opportunity Act (WIOA) Title I program delivery.

**Effective Date:** This directive is effective retroactively for WIOA PY 2020 (July 1, 2020 – June 30, 2021).

**REFERENCES:** State Compliance Policy 1.14 – On-the-Job (OJT) and Customized Training; Workforce Innovation and Opportunity Act (WIOA) P.L. secs. 113-128; Final Rule, 20 CFR §680.700-770; TEGL 3-15; Governor's Workforce Development Board (GWDB) August 2016 public meeting minutes; Governor's Workforce Development Board (GWDB) August 5, 2020 public meeting minutes.

## **STATE-IMPOSED REQUIREMENTS:**

1. Governor's Workforce Development Board established a state-imposed 20 percent limitation of current total staffing levels in OJT contracts.
2. As directed in SCP 1.14 – On-the-Job (OJT) and Customized Training, issued on August 2016; revised on July 15, 2020; and as identified in this directive.
3. Governor's Workforce Development Board approved a temporary variance of the state-imposed 20 percent limitation of current total staffing levels in OJT contracts at its August 5, 2020 public meeting.

## **ACTION:**

Bring this directive to the attention of all appropriate staff and all sub-recipients.

## **I. EXECUTIVE SUMMARY/Background**

The goal of WIOA is to improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skills requirements of employers, and enhance the productivity and competitiveness of the Nation.

The issuance of this TAG is to provide clarity on the temporary variance approved by the Governor's Workforce Development Board's at its August 5, 2020 public meeting for WIOA PY 2020 scaling the state-imposed 20 percent limitation of current total staffing levels in OJT contracts based on an employer's employee counts as follows:

- An employer with more than 20 employees cannot receive more than 20 percent of current total staffing levels in OJT contracts.
- An employer with 20 employees or less cannot receive more than 40 percent of current total staffing levels in OJT contracts.

The temporary variance is effective from July 1, 2020 through June 30, 2021 and will align OJT funding to business needs due to significant business challenges; and, provide the local boards the ability to target OJT funding toward small businesses that were the most significantly impacted due to the economic effects of the COVID-19 pandemic.

**REQUIREMENTS:**

1. The LWDBs must continue to follow the requirements prescribed in SCP 1.14.
2. If the LWDBs identify a justifiable need to continue this temporary variance past WIOA PY 2020, it is the responsibility of the LWDBs to request said continuance for WIOA PY 2021 (July 1, 2021 – June 30, 2022) **no later than January 2, 2021**.
3. If the DETR’s Workforce Investment Support Services (WISS) receives such request for a continued temporary variance for WIOA PY 2021, DETR WISS will request that the request be placed on the next Governor’s Workforce Development Board’s public meeting (e.g., March 2021) for possible action by the Board.

**CONCLUSION:**

The temporary variance of a scaled model to the current state-imposed 20 percent limitation of current total staffing levels in OJT contracts based on an employer’s employee counts for WIOA PY 2020 is effective from July 1, 2020 through June 30, 2020. The LWDBs must submit, in writing, to DETR WISS a request for the continuance of said temporary variance for WIOA PY 2021 **no later than January 2, 2021**.